

## **REMARKS**

Applicant is in receipt of the Office Action mailed October 23, 2006. Claims 65-145 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Double Patenting**

Claims 65-145 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-42 of U.S. Patent No. 7,120,876 (“’876”).

Claims 65-145 were also rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-69 of U.S. Patent No. 7,000,190 (“’190”).

Claims 65-145 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 285-381 of co-pending U.S. Application Serial No. 09/518,492 (“’492”). Applicant notes that ‘492 has recently issued as U.S. Patent No. 7,159,183, henceforth, “’183”.

While Applicant believes that the present claims are patentably distinct over the claims of the cited references, in order to further prosecution of the case, a Terminal Disclaimer has been filed herewith with respect to the above referenced patents. Applicant thus respectfully requests removal of the double patenting rejection with respect to ‘876, ‘190, and ‘183.

Claims 65-145 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-37, 39-59, 61-74, and 76-90 of co-pending U.S. Application Serial No. 09/595,003, and over claims 1, 3-6, 8, 12-23, 25, 26, 28, 29, and 31-54 of co-pending U.S. Application Serial No. 09/747,091. In the event that either of Application No. 09/595,003 or Application No. 09/747,091, or the present application issues, Applicant will provide arguments against the rejection or file a Terminal Disclaimer to resolve this issue.

## **CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-44100/JCH.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☒ Terminal Disclaimers
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Mark S. Williams/

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AGENT FOR APPLICANT(S)

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